

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Claims 1, 2, 5, 8, 9, 14, 16-18, and 21 have been amended, claim 10 has been canceled, and claims 28 and 29 have been newly added. Support for these amendments is provided at least in the specification on page 16, line 11, through page 17, line 10.

Claims 1-10, 13-18, 20, and 21 were rejected, under 35 USC §103(a), as being unpatentable over Walton et al. (US 2003/0081538) in view of Arai et al. (US 6,456,607) and Ushirokawa et al. (US 7,154,915). Claims 23-27 were rejected, under 35 USC §103(a), as being unpatentable over Walton in view of Arai, Ushirokawa, and Hwang (US 2002/0060997). To the extent these rejections may be deemed applicable to the amended claims, Applicant respectfully traverses based on the points set forth below.

Claim 1 now defines an OFDM-CDMA transmitting apparatus that adjusts a frequency band to which multiplexed spread signals are transmitted by distributing the multiplexed spread signals to a plurality of subcarriers and varying a subcarrier group to which spread signals of multiplexed specific transmit symbols are distributed in accordance with a spreading ratio. The claimed

subject matter supports selecting the spreading ratio of data and the amount of multiplexing applied to the spread data so as to achieve compatibility between spectral efficiency and error rate characteristics (see specification page 5, lines 11-28).

It is submitted that none of the applied references discloses the claimed feature of adjusting a transmission frequency band by varying a subcarrier group to which spread multiplexed transmit symbols are distributed in accordance with the spreading ratio. Instead, Walton discloses multiplexing spread data over all sub-bands of a transmission signal regardless of the spreading length selected to spread the data (see Walton paragraph [0110], lines 9-21). Arai discloses selecting a code division multiplex number in accordance with the content or type of data to be transmitted (see Arai col. 10, lines 62-65). Ushirokawa is cited for disclosing decreasing a spreading rate and increasing a transmission rate so as to generate a transmission vacancy in a transmission time slot (see Ushirokawa col. 9, lines 17-28, and Office Action page 4, penultimate paragraph). Hwang is cited for disclosing: (1) increasing a number of spreading codes assigned to a retransmission signal in accordance with an increase in the number of retransmissions and (2) multicode multiplexing of a

retransmission signal (see Office Action page 8, second paragraph).

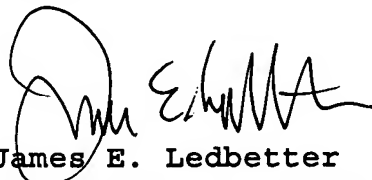
Accordingly, the Applicant respectfully submits that Walton, Arai, Ushirokawa, and Hwang, considered individually or in combination, do not teach or render obvious the subject matter now defined by claim 1. Independent claims 21, 28, and 29 similarly recite the above-mentioned feature distinguishing apparatus claim 1 from the applied references, but claims 21 and 29 do so with respect to methods. Also, claims 28 and 29 specifically recite distributing spreading signals of multiplexed transmit symbols to the frequency and time domains in accordance with the spreading ratio rather than, as recited in claims 1 and 21, varying a subcarrier group to which spread signals of multiplexed transmit symbols are distributed in accordance with the spreading ratio. Therefore, it is submitted that the rejections applied to claims 23-27 are overcome, and allowance of claims 1, 21, 28, and 29 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James E. Ledbetter', is written over the typed name.

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Date: February 15, 2008  
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